

**STATE OF RHODE ISLAND  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

**PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

**TRANSFER AND DUAL SUPERVISION OF YOUTH BY JUVENILE PROBATION AND FAMILY SERVICES**

This amended rule clarifies roles and responsibilities of DCYF Juvenile Probation and Family Services staff relating to the transfer and dual supervision of youth. The previous version of this policy, refiled 1/5/07, is superseded by this amended version.

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3686 or RI Relay, dial 711). Interested persons should submit data, views or written comments by February 27, 2009 to Dorothy Hultine, Implementation Director for Policy & Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903.

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Children, Youth and Families does not discriminate on the basis of race, color, national origin or handicap in acceptance for or provision of services or employment in its programs or activities.

Patricia Martinez, Director

# Transfer and Dual Supervision of Youth by Juvenile Probation and Family Services

Rhode Island Department of Children, Youth and Families

[Division of Juvenile Correctional Services: Probation and Parole](#)

**Policy: 800.0000**

Effective Date: March 23, 1988

Revised Date: ~~January 5, 2004~~

Version: ~~23~~

~~The Department staff work collaboratively has developed a process to allow for the transfer case responsibility - orderly and timely transfer of cases - between Juvenile Probation and Family Services in an orderly and timely manner and, in certain situations, to the provide sion of "dual supervision," by Juvenile Probation and Family Services.~~ This ~~approach process will~~ helps to ensure the delivery of effective and ~~consistent~~ consistent family centered services and enhances working relationships among staff.

When a case is transferred from one division to another, there is a thirty (30) day period of shared responsibility ~~between the two divisions~~. Tasks and duties are shared, case service plan consultation occurs and introductions to the youth, his or her family and other significant people and agencies are made.

Family Services caseworkers are not authorized to recommend directly or indirectly to Family Court that a youth be placed on Probation. Juvenile Probation officers are not authorized to recommend directly or indirectly to Family Court that dual supervision of a youth by Juvenile Probation and Family Services be ordered.

When a youth active with Family Services is sentenced to Juvenile Probation for longer than six (6) months, primary case responsibility for that youth is assigned to the Probation officer. If other siblings in the family remain open, family responsibility remains with the Family Services Unit (FSU) caseworker and only case responsibility for the sentenced youth is transferred to Juvenile Probation.

If a family not previously known to the Department requires services after a youth completes his or her ~~probation~~ Probation sentence, the case is referred to the Child Protective Services (CPS) Intake Unit. If Intake determines that a community agency can meet the needs of the family, the case is closed to DCYF and referred to the community agency for services. If Intake determines that the Department's involvement is necessary, the case is assigned to FSU.

In certain situations a youth may receive services from both Juvenile Probation and Family Services. Generally, when an ~~n-active~~ active with FSU youth is sentenced to Probation for six (6) months or less, dual supervision is required. An exception may occur when a youth, with no other legal status, who is assigned to Family Services pending a DAS evaluation and/or resolution on a wayward/disobedient petition, is subsequently sentenced to Probation for six (6) months or less. In this situation, the youth may be transferred to Probation and closed to Family Services. The Family Court may also order dual supervision of a youth. In limited situations, an administrator may approve a request from primary service staff within Juvenile Corrections or Family Services ~~the probation officer, clinical social worker at the Rhode Island Training School or FSU caseworker~~ for dual supervision based upon the needs of the youth and family.

## Related Procedures

[Transfer from Family Services to Probation](#)

[Transfer from Probation to Family Services](#)

Dual Supervision by Probation and Family Services

**Related Policy**

Transfers to and from the Rhode Island Training School

## Transfer from Family Services to Probation

### **Procedure From Policy 800.0000: Transfer and Dual Supervision of Youth by Juvenile Probation and Family Services**

- A. On the day a youth is sentenced to Probation, the Family Services Unit (FSU) caseworker accompanies the youth to the Probation Office to sign his/her Conditions of Probation (COP). Sanctions, such as Violation of Probation (VOP), cannot be filed or invoked against the youth until the COP is signed.
1. A copy of the COP is provided to the FSU caseworker for filing in the youth's family record.
  2. If the caseworker is not able to accompany the youth to the Probation office, he/she immediately telephones the main Probation office at 101 Friendship Street in Providence to notify the Division that the youth is sentenced. This expedites the assignment of a Probation officer.
- B. The youth is assigned to a Probation officer within five (5) working days of sentencing.
- C. If the youth is AWOL, placed in a short-term shelter or otherwise in need of placement at the time of sentencing, the youth is not transferred until the youth is stabilized in placement.
1. If a youth is AWOL for more than six (6) months or AWOL and over age eighteen (18), the FSU caseworker initiates action to dismiss the Family Court petitions initiated by Family Services.
  2. If the FSU caseworker is unsuccessful in dismissing the petitions for a youth under eighteen (18) and the youth has been AWOL for more than six (6) months and has more than six (6) months remaining on his/her sentence, the youth after a consultation with Probation can be transferred to Probation.
- C.D. A consultation between the FSU caseworker and Probation officer must occur within ten (10) working days of sentencing.
1. The FSU caseworker ~~and/or~~ supervisor initiates the contact with the Probation officer ~~and/or~~ supervisor to schedule the consultation.
  2. This It is strongly encouraged that this contact consultation should be "in-person." If it is not possible for the staff worker(s) and/or supervisor(s) to meet face-to-face, ~~there is a~~ telephone consultation is scheduled.
  3. If the FSU Family Services and Probation workers are not able to complete the consultation, the respective supervisors are responsible to complete the consultation within the ten (10) day time frame.
  - 2.4. In the event the FSU worker /-or supervisor is unable to establish contact with either the Probation officer /-or supervisor to arrange the consultation within the ten (10) day period, the FSU administrator in Family Services is notified and addresses the issue with the Probation administrator.
  - 3.5. During this consultation, it is jointly decided who is responsible to complete the various tasks and duties during the remainder of the thirty (30) days.
  - 4.6. The day of the consultation is the first day of the thirty (30) day period of shared responsibility. The full thirty (30) days will be used even if the Family Court terminates involvement.
  5. If the FSU caseworker fails to schedule the consult with the Probation officer within ten (10) working days of sentencing, the day the COP is signed marks the first day of the thirty (30) days of shared responsibility.
  - 6.7. FSU caseworker provides advance notice to the Probation officer of any plans to request termination of any active abuse, neglect, and/or dependency petitions concerning the youth in Family Court. If the Probation officer and supervisor

disagree with the ~~FSU Family Services'~~ plan, the petition will not be dismissed and the matter will be referred to the next level in the chain of command for resolution.

8. If Probation or FSU worker believes that the youth meets the criteria for dual supervision, the processes outlined below in Procedure: Dual Supervision by Juvenile Probation and Family Services are followed.

~~D. If a youth assigned to Family Services pending a DAS evaluation and/or resolution on a wayward/disobedient petition with no child welfare status (e.g., placement need) is subsequently sentenced to Probation for six (6) months or less, the youth may be transferred to Probation and closed to Family Services.~~

~~E. If the youth is AWOL, placed in a short-term shelter or otherwise in need of placement at the time of sentencing, he/she is not transferred until he/she enters stable placement (e.g., group home, foster home, parental home, independent living program, residential placement).~~

- ~~1. If a youth is AWOL for more than six (6) months or AWOL and over age eighteen (18), the FSU caseworker attempts to dismiss the Family Court petitions initiated by Family Services.~~
- ~~2. If the FSU caseworker is unsuccessful in dismissing the petitions and the youth has been AWOL for more than six (6) months and has more than six (6) months remaining on his/her sentence, the youth after a consultation with probation can be transferred to Probation.~~

F.E. If the youth requires placement within the thirty (30) day transitional period, the following guidelines apply:

1. During the first two (2) weeks of the thirty (30) day period, the FSU caseworker is responsible for placement. The FSU caseworker is also responsible for completing any referrals for placement, ~~both contracted and non-contracted~~ and for documenting the referrals in a Case Activity Note.
2. During the third and fourth weeks, the Probation officer assumes responsibility.

G.F. If the youth is the only child active in the family, the FSU caseworker prepares the family record for transfer. ~~The family record will be ready~~ within two (2) weeks of the date of sentencing.

1. The FSU supervisor will review the record ~~(both paper and electronic)~~ for completeness. If the record is not complete, it will be returned to the FSU caseworker for corrective action.
2. ~~If the record is complete, the~~ FSU supervisor will forward the complete record to it to the ~~Case Record Center Transfer Officer~~ for ~~final review and~~ logging at the end of the first two (2) weeks of the thirty (30) day period of shared responsibility. ~~The designated person in that office will review the record. If the record is incomplete, the FSU supervisor will be contacted so that corrections can be made.~~
3. ~~The If the record is complete~~ record is, ~~it will be~~ forwarded to the Juvenile Probation supervisor for review and assignment to ~~the~~ Probation officer.
4. If the Probation supervisor has concerns about the completeness of the record, Probation supervisor contacts the FSU supervisor.

H.G. If there are other siblings active, the family case record will remain with the FSU caseworker.

1. The FSU caseworker will prepare a packet of material pertinent to the youth sentenced to Juvenile Probation.
2. The packet of material includes information not available in RICHIST, in particular, any medical, educational and ~~behavioral/mental~~ health reports.

3. The Probation officer reviews the family case record within the first two (2) weeks of assignment to determine if there is other information in the record that is needed.

H. When FSU is transferring case responsibility to Probation, [RICHIST transactions relating to the transfer are completed at the end of the thirty day shared responsibility period \(refer to RICHIST Windows Help: \*\*The Create Worker Assignment Window\*\* by opening the assignment window and clicking on the Help Button and selecting RICHIST Windows Help.\)](#) ~~for a youth in placement and there is an active case plan,~~

1. ~~The~~ FSU caseworker closes his/her assignment to the case and assigns the Probation officer as primary.

2. All documents and ticklers ~~are~~should also be assigned to the Probation officer as the primary worker.

J.I. If a dependency petition is necessary or ordered by Family Court, it will be completed and filed by the caseworker prior to the transfer being finalized. If available, the petition information will be entered on the Court Activity window in RICHIST prior to transfer.

## Transfer from Probation to Family Services

### **Procedure From Policy 800.0000: Transfer and Dual Supervision of Youth by Juvenile Probation and Family Services**

- A. Six (6) weeks prior to the end of sentence, the Probation supervisor notifies the Case Record Transfer/Intake Officer in writing of the need for a youth to be assigned to Family Services.
1. If Juvenile Probation has the family case record, the Probation officer prepares the record for transfer. The Probation supervisor forwards the completed record with the written notification to the Case Record Transfer/Intake Officer.
  - ~~2. The record (both hard copy and electronic) is reviewed by the Case Record Transfer Officer. If information is not complete (either the hard copy or the electronic copy), the Probation supervisor will be notified so that corrective action can be taken. If the information is complete, it is assigned to FSU.~~
  - ~~3-2.~~ If Juvenile Probation does not have the family case record ~~(paper copy)~~, the Probation officer prepares a packet of pertinent material. The material, if not already in RICHIST, includes:
    - a. Probation social history.
    - b. Medical and educational information.
    - c. Mental health information.
  - ~~4. If there is no family record, the Case Record Transfer Officer will use this material to create one.~~
- B. The Case Record Transfer/Intake Officer ~~will~~ makes a RICHIST assignment for the family to FSU in the appropriate region.
- C. The FSU supervisor ~~will~~ reviews the case record.
- ~~1. If information is complete, FSU supervisor~~ and assigns the case to a caseworker within two (2) working days.
  - ~~2. If information is not complete, the Probation supervisor will be notified and corrective action is taken.~~
- D. A consultation between the Probation officer and the FSU caseworker must occur within ten (10) working days of assignment to FSU. ~~Within two (2) working days of assignment to FSU, the Probation officer and/or supervisor will contact the FSU caseworker and/or supervisor for consultation and update on the case.~~
1. The Probation officer ~~and/or~~ supervisor initiates the contact with the FSU caseworker ~~and/or~~ supervisor within two (2) working days of assignment to FSU to schedule the consultation.
  - ~~2. It is strongly encouraged that t~~ This contact/consultation should be "in-person". If it is not possible for the worker(s) and/or supervisor(s) staff to meet face-to-face, ~~there is~~ a telephone consultation is scheduled.
  - ~~3. If the Probation and FSU workers are not able to complete the consultation, the respective supervisors are responsible to complete the consultation within the ten (10) working day time frame.~~
  - ~~4. In the event the Probation officer/supervisor is unable to establish contact with the FSU worker/supervisor to arrange the consultation within the ten (10) day period, the Probation administrator is notified and addresses the issue with the FSU administrator.~~
- ~~2. Shared responsibility begins thirty (30) days prior to the last day of the youth's sentence and ends on the last day of a youth's sentence.~~

~~3. In the event that Juvenile Probation does not initiate the process in accordance with the process outlined in Section A (1-4), the~~

5. ~~The day of the consultation is the first day of the thirty (30) day period of shared responsibility. first day of the thirty (30) day period will be the day of the consultation between the FSU caseworker or supervisor and the Probation officer or supervisor.~~ The full thirty (30) days will be used even if they extend beyond the end of the youth's sentence. This is also the case in those situations in which the Family Court ends a youth's sentence earlier than had previously been determined.

- E. If the youth is in need of placement at the time of transfer, the following guidelines apply:
1. During the first two weeks of the thirty (30) day period, the Probation officer is responsible for placement. The Probation officer is also responsible for completing any referrals for placement, both contracted and non-contracted, and for documenting the referrals in the family case record and/or any pertinent material given to the FSU caseworker.
  2. During the third and fourth weeks, responsibility for placement is assumed by the FSU caseworker.

~~F. RICHIST transactions relating to the transfer are completed~~

1. ~~The FSU supervisor assigns the youth and family to Family Services as of the day the youth is assigned.~~
2. ~~The Probation supervisor ends the Probation officer's assignment to the youth on the last day of sentence or the thirtieth day of shared responsibility, whichever comes later.~~

- F. When Probation is transferring case responsibility to Family Services, RICHIST transactions relating to the transfer are completed at the end of the thirty day shared responsibility period (refer to RICHIST Windows Help: **The Create Worker Assignment Window** by opening the assignment window and clicking on the Help Button and selecting RICHIST Windows Help.) ~~for a youth in placement and there is an active case plan~~
1. ~~the~~ The Probation officer closes his/her assignment to the case and assigns the FSU caseworker as primary "
  2. All documents and ticklers ~~should also be~~ are assigned to the FSU caseworker as the primary worker.

- G. If a dependency petition is necessary or ordered by Family Court, it will be completed and filed by the Probation officer prior to the transfer being finalized. If available, the petition information will be entered on the Court Activity window in RICHIST prior to transfer.



## Dual Supervision by Juvenile Probation and Family Services

### **Procedure From Policy 800.0000: Transfer and Dual Supervision of Youth by Juvenile Probation and Family Services**

- A. Youth may be assigned to both a Probation officer and a Family Services caseworker in the following circumstances/situations:
1. The youth is sentenced to Probation for six (6) months or less ~~;~~ or,
  2. The Court orders that a youth receive dual supervision even though his or her sentence is longer than six (6) months. Under no circumstances will a Probation officer or a FSU caseworker request directly or indirectly that a youth be Court ordered to have dual supervision.
  3. Either the Probation officer or the FSU caseworker in consultation with his/her immediate supervisor requests dual supervision.
    - a. The supervisor brings the request to the attention of his/her respective administrator (the Administrator for Juvenile Probation or the Regional Director) or designee.
    - b. Both the Administrator for Juvenile Probation or designee and the Regional Director for Family Services or designee must approve such the requests.
    - c. If the respective administrators cannot agree, the request will be forwarded to the next higher administrative level within the respective chain of command to determine the necessity for dual supervision.
    - d. The final determination must be made within five (5) working days of the initial request.
  4. The clinical social worker at the RITS requests dual supervision for a youth released from the RITS and assigned to Probation/Parole. The clinical social worker utilizes the guidelines for dual supervision to determine if such a recommendation is appropriate.
    - a. Both the Clinical Director at the RITS or designee and the appropriate Regional Director for Family Services or designee must approve such requests.
    - b. If the respective administrators cannot agree, the request will be forwarded to the next higher administrative level within the respective chain of command to determine the necessity for dual supervision.
    - c. The final determination must be made within five (5) working days of the initial request.
- B. The decision to utilize dual supervision for a youth is based upon the needs of the child and family. Once a determination is made that a youth will require dual supervision, the Probation officer and FSU worker or the respective supervisors discuss and mutually decide upon primary and secondary assignments in RICHIST as well as mutual responsibilities for other issues, such as case planning. In some cases, the division with primary responsibility will be clearly identified. The other division will provide backup assistance as needed. In most instances, both divisions will have mutual roles to play in servicing the family. This will require a conscious effort and ongoing communication from both divisions to work as a team in order to maximize the benefits of dual supervision to the youth and family as well as to the respective staff members.
- C. Criteria for requesting dual supervision of a youth:
1. Youth is the subject of a non-adjudicated abuse/neglect/dependency petition
  2. Other factors that could be considered include:
    - a. Youth is under the age of fourteen (14).
    - b. Committed youth has been charged only with status offense(s).

- c. Circumstances and location of the offense (e.g., DCYF placement).
  - d. Need for extensive family reunification casework services.
  - e. Youth is part of an active sibling group.
  - f. Youth is sent home pending a placement.
  - g. Youth is under the legal guardianship of the Department.
- D. Responsibilities of the Probation officer in dual supervision cases include, but are not limited to:
- 1. Probation case management activities
    - ~~a. Development of social history/assessment~~
    - ~~b-a. Completion of Probation risk/needs assessment and reassessment~~
    - ~~c-b. Determination of the level of supervision~~
    - ~~d-c. Coordination with FSU to complete comprehensive family assessment and service Case-planning activities, in particular, the inclusion of the conditions of ProbationCOP and any special conditions of Probation into the active case-service plan in RICHIST~~
    - ~~e-d. Other relevant case recording~~
  - 2. Probation services:
    - a. Supervision of the youth through office visits and home and community contacts
    - b. Contact with schools, police, and other agencies
    - c. Monitoring compliance with COP including any special conditions, such as counseling, treatment, restitution, cooperating with placement, etc.
    - d. Appearing in Family Court for hearings relevant to criminal petitions and providing written reports to the Court as required with copies to the FSU caseworker
    - e. Providing information to the FSU caseworker that is relevant to other Family Court petitions
  - 3. Filing of Violation of Probation (VOP) when the youth is not in compliance with his/her Conditions of Probation
    - a. The FSU caseworker can request that a VOP be filed. The Probation officer will discuss the request with his/her supervisor.
    - b. If there is disagreement about the request, the respective supervisors will discuss the issue and attempt to resolve it.
    - c. If they are unsuccessful, the matter will be referred to the Probation Administrator and the Regional Director for review and final decision.
  - 4. Participating in case planning activities with the FSU caseworker for all youth in placement to ensure Probation issues and alternatives to criminal or risky behavior are included.
  - 5. Participating in Administrative Reviews when needed for youth in placement.
  - ~~6. Facilitating placements in programs specifically for adjudicated youth, such as Ocean Tides.~~
- E. Responsibilities of the FSU caseworker in dual supervision cases include, but are not limited to:
- 1. Family Services case management activities:
    - ~~a. Preparation and update of Case Profile Narrative~~
    - ~~b. Completion of risk/needs assessment and reassessment~~
    - ~~c. Coordination with Probation to complete comprehensive family assessment and service Completion and implementation of case-planning process with input from the Probation officer, in particular, in regard to COP~~
    - ~~d-a. Other relevant case recording~~
    - ~~e-b. Home, office, and collateral contacts as needed~~
  - 2. Attending Family Court hearings relevant to abuse/neglect/dependency petitions as well as other non-criminal petitions (i.e., miscellaneous petitions and status

offenses) and providing written reports to the Court as required with copies to the Probation officer.

3. Providing information to the Probation officer that is relevant to criminal petitions before the Family Court.

~~4. Primary responsibility for non-correctional placements with active assistance from the Probation officer as needed. The Probation officer will assist in the preparation of the placement referral packet to the Care Management Team by providing reports and documents and by attending Care Management Team meetings regarding the youth and attending any court hearings related to the youth's placement.~~

F. Team Responsibilities - Each division will support the other in the areas of responsibility identified above. In addition, following are examples of the two divisions sharing responsibility and functions concerning the youth.

1. Either staff person can make referrals for ~~shelter~~ placement.
2. The staff person first aware of the need for shelter placement is the one to make the referral to the placement unit.
3. This person will in turn notify the other member of the dual supervision team that the referral has been made.
4. The dual supervision team members mutually decide who will transport the youth to the placement.

~~5. If the youth is placed on a night-to-night basis, the dual supervision team members will equally share the transportation to and from placements.~~

~~6-5.~~ The staff person who completes the placement will document it in RICHIST.

~~7-6.~~ The dual supervision team members will:

- a. Keep each other aware of developments in the youth's situation by promptly sharing information.
- b. Be available to provide requested assistance.
- c. Take responsibility in the absence of the other team member and supervisor.
- d. Maintain a minimum of twice monthly contacts to exchange information and coordinate efforts. They will have face-to-face meetings as necessary.

~~8. In non-correctional service placements, the Probation officer will assist and support the FSU caseworker and the youth by participating in the completion of referrals and the provision of transportation.~~

~~9-8.~~ Compliance with any orders issued by the Court that do not clearly identify either the FSU caseworker or the Probation officer as responsible for implementation will be carried out by mutual agreement between the involved staff. If the FSU caseworker and Probation officer are unable to resolve an issue, it will be referred to the next level in the chain of command.

G. Case Closure

1. Worker from the division initiating case closure must provide notice to the worker from the other division within two (2) working days of the determination that a dual supervision case will be closed to that division because:

- a. Family Court jurisdiction relating to a youth on Probation is terminated.
- b. Family Court jurisdiction relating to FSU involvement is terminating or, if there is no Family Court jurisdiction, worker and supervisor determine that FSU involvement is no longer necessary.

2. Worker initiating case closure must schedule a case consultation with the worker from the other division within five (5) working days of the decision to close the case.

3. If there is disagreement between the divisions regarding the decision to close the case to one division, the issue will be referred to the respective divisional

administrators immediately following case consultation and an administrative decision regarding case closure will be made within five (5) working days.

4. The Division requesting case closure can close out of the case 10 working days after an agreement is reached.